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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,872	09/16/2003	Liliana Tejdor	00825Div.JAR	3114
7590 Judith A. Roesler, Esq. BioMerieux, Inc. Patent Department 100 Rodolphe Street Durham, NC 27712		02/06/2007	EXAMINER CHEU, CHANGHWA J	
			ART UNIT 1641	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/06/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/663.872

EXAMINER

J. Chen

ART UNIT

PAPER

20070131

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The amendment filed on 11/20/2006 changed the kit (claims 101-105) assessing the hemostatic potential of a test sample to a kit (claims 106-110) used for screening or drug discovery of a patient treated with inhibitors of tissue factor pathway, thrombin generation or thrombin activity is non-responsive (MPEP § 821.03).

Both set of claims are patentably distinct since the feature of "differentiating hyper, normal and hypocoagulable plasma" in claims 101-105, is not required by claims 106-110. Likewise, the feature of having treated with inhibitors in a patient is not required by the claims 101-105. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

See 37 CFR 1.142 (b) and MPEP section 821.03. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

*Long*  
LONG V. LE 02/02/07  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1800